

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

CHRISTOPHER MONDRAGON,

Plaintiff,

vs.

No. CIV-05-1037 RLP/LFG

JAMES WILLIAM THOMPSON,
Probation Officer, State of New Mexico,
in his individual capacity; JOSE LEON FLORES,
Supervisor, New Mexico Department of Corrections,
Probation and Parole Division, in his individual capacity;
MANAGEMENT & TRAINING CORPORATION,
doing business as Santa Fe County Detention Center,
in its individual capacity; CODY GRAHAM, Warden,
Santa Fe County Detention Center, in his individual capacity,

Defendants.

**Memorandum Opinion and Order
Granting Defendant's Motion to Dismiss**

This matter comes before the court on the Motion of Defendant Management & Training Corporation to Dismiss under Rule 12 F.R.Civ. P., filed on December 27, 2005. [Doc. No. 4]. Defendant seeks to dismiss with prejudice all claims brought against it on two grounds. First, that the allegations of the Complaint establish that any applicable statute of limitations has expired. Second, that the allegations of the Complaint fail to state a claim upon which relief may be granted. Defendant asks that dismissal with prejudice also be entered on the same grounds in favor of its employee, Defendant Cody Graham.


Plaintiff has not responded to Defendant's Motion.

Defendant's Motion is granted. The Complaint alleges wrongful detention and failure to supervise accruing on or before September 25, 2002. The applicable statute of limitations for these claims, whether analyzed under New Mexico personal injury law, N.M.S.A. 1978, §37-1-8, the Civil

Rights Act, 42 U.S.C. §1983 or the New Mexico Tort Claims Act, N.M.S.A. 1978 §41-4-15, expired prior to the filing of the Complaint on September 26, 2005. Further, Plaintiff's failure to respond to Defendant's Motion within the prescribed time for responding constitutes a consent to the granting of the Motion. D.N.M.LR-Civ 7.1(b).

IT IS ORDERED that Defendant's Motion to Dismiss is granted, and this case is Dismissed with Prejudice as to Defendants Management & Training Corporation and Cody Graham.

IT IS SO ORDERED.



Richard L. Puglisi
United States Magistrate Judge
(sitting by designation)